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October 15, 2018

Via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

RE: Freedom of Information Act Request for Records Related to the October 29-30, 2014 National Municipal Enforcement Conference

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages (including e-mails to and from personal e-mail accounts), minutes, handouts, policy statements, data, technical evaluations or analysis, and studies.

Background

On October 29-30, 2014, EPA Region 5 held the National Municipal Enforcement Conference in Chicago, IL. *See* Attachment. On the first day of that meeting, Wednesday October 29th, Jim Vinch (OECA), Kevin Weiss (OWM), and Patricia Miller (Region 7), presented on the *Iowa League of Cities* Decision for attendees, more specifically the impact of that decision on "enforcement against bypasses at POTWs and municipal collection systems" and "EPA's plans to address permitting and enforcement issues related to Iowa League of Cities." *Id.* at 2.

Request

This request seeks any and all records at EPA HQ concerning:

1. A full list of attendees to the above referenced meeting;

2. Any records that were developed for, used by, or referenced in this discussion by Jim Vinch, Kevin Weiss and Patricia Miller on the *Iowa League of Cities* decision; and
3. Any notes taken by those in attendance with regard to the above referenced presentation on the *Iowa League of Cities* decision.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$100.00. Please duplicate the records that are responsive to this request and send it to the undersigned at the above address. If the requested record is withheld based upon any asserted privilege, please identify the basis for the non-disclosure.

If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that only the necessary document is duplicated.

Respectfully,

/s/ Erin Thomas

Erin Thomas
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National Municipal Enforcement Conference Agenda

October 29 and 30, 2014

Region 5, Chicago, Illinois

Wednesday October 29, 2014: Morning session in Dirksen Building, room 200 (second floor, next to cafeteria)

Joint Session on MS4s

8:15 am-

INTEGRATED PLANNING/FINANCIAL CAPABILITY ANALYSIS

9:15 am

Andy Crossland, OECA

Loren Denton, OECA

Objective: Discussion of use of integrated planning as a tool for municipalities to comprehensively address wet weather violations along with other CWA requirements, including stormwater, and its relation to financial capability analysis in determining length of compliance schedules in Consent Decrees.

9:15 am-

GREEN INFRASTRUCTURE

10:15 am

Loren Denton, OECA

Jonathan Moody, Region 5

Bob Newport, Region 5

Objective: Use of green infrastructure in designing remedial measures in consent decrees involving wet weather and storm water violations.

10:15am –

Break

10:30 am

10:30 am –

COMPLIANCE MONITORING STRATEGIES/NEXT GEN COMPLIANCE

11:15 am

James Zimny, OECA

Objective: Discussion of use of innovative approaches in consent decrees to monitor water quality and other environmental indicators in furtherance of Next Generation compliance principles.

11:15 am-

CLIMATE RESILIENCY

12:00 pm

Loren Denton, OECA

Bill Bush, Region 4

Objective: Understanding of the importance of incorporating climate change into wet weather consent decrees and how climate concerns affect remedial

measures typically required to address wet weather and storm water violations.

12:00 pm –
12:30

Lunch

Afternoon session in Metcalfe Building, Regional Conference Center's Illinois Room (12th floor, south of the elevators)

12:30 pm-
12:45 pm

WELCOME, OVERVIEW OF MUNICIPAL SESSION

Mark Pollins, OECA

12:45 pm-
1:45 pm

IOWA LEAGUE OF CITIES

Jim Vinch, OECA

Kevin Weiss, OWM

Patricia Miller, Region 7

Objective: Discussion of Eighth Circuit's Iowa League of Cities decision and its impact on enforcement against bypasses at POTWs and municipal collection systems, including the unique perspective of Region 7, which is partially in the Eighth Circuit. Will also discuss EPA's plans to address permitting and enforcement issues related to Iowa League of Cities.

1:45 pm-
2:00 pm

Break

2:00 pm-
3:00 pm

POST CONSENT DECREE LODGING ISSUES

Jane Lupton, Region 5

Objective: Discussion of issues that arise after lodging, but before entry, of municipal decrees including intervention and public comments that could potentially side track an enforcement settlement.

3:00 pm-
5:00 pm

REGIONAL ROUNDTABLE

All Regions

Objective: Regional presentation of municipal issues important to them. Discuss recent trends in municipal enforcement and identify common issues across regions that may require HQ coordination.

6:00 pm

Group Dinner at Greek Islands, 200 S. Halstead Ave., Chicago, IL

Thursday October 30, 2014: Session in Metcalfe Building, Regional Conference Center's Illinois Room (12th floor, south of the elevators)

8:30 am **Morning session**

PUBLIC PARTICIPATION IN REVIEWING CD SUBMITTALS

Bill Bush, Region 4
Loren Denton, OECA

Objective: Discussion of consent decree provisions which allow citizens from communities affected by a municipal consent decrees to review and comment on deliverables such as plans, assessments and studies prepared and submitted pursuant to consent decrees.

BUILDING AN EFFECTIVE MUNICIPAL ENFORCEMENT CASE

James Zimny, OECA
Jodi Bruno, Region 7
Brad Ammons, Region 4

Objective: Develop a better understanding of the procedures and processes necessary to build an effect judicial enforcement case, including inspections, information gathering, documentation and evidence and preparing a thorough litigation report.

12:00 –
12:30 pm **Lunch**

12:30 pm **Afternoon Session**

USING ADMINISTRATIVE COMPLIANCE ORDERS AFTER SACKETT

Jim Vinch, OECA
Dean Maraldo, Region 5
Laurie Kermish, Region 9

Objective: How has the Sackett decision affected the use of administrative compliance orders in municipal enforcement cases, including the form of administrative orders, limitations on types of remedial relief, information gathering under section 309 and anticipating APA challenges and potential counterclaims.

IG INVESTIGATION OF MUNICIPAL ENFORCEMENT

Mark Pollins-OECA

Genevieve Borg Soule, Office of Inspector General

Objective: Summary of issues involved in outstanding IG investigation of EPA's municipal enforcement program.

CURRENT PRACTICE ISSUES IN MUNICIPAL ENFORCEMENT CASES: Supplemental Environmental Projects, Use of Stipulated Penalties, Partial Consent Decrees and Use of Section 504 in Municipal Enforcement Cases

Joanna Citron Day-OECA

Objective: Discussion of significant legal and policy issues which have recently been raised in the context of resolved or ongoing municipal enforcement cases.

4:00 pm

Conference Wrap-up